



British Columbia
School Trustees Association

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The Honourable Shirley Bond
Minister of Education
Rm. 248, Parliament Buildings
Victoria, BC V8V1X4

Dear Minister Bond,

I write to provide you with feedback on Bills 20, 21, and 22 while they are being debated, so that you may consider possible amendments prior to their final reading. The following discussion covers sections of the various bills that we support, and sections about which we have concerns. A list of recommendations is provided at the end of this letter.

Bill 20

Expanded Mandate

BCSTA welcomes an expanded mandate for boards that includes early learning and community literacy. We note that this formally recognizes the many early learning and community literacy initiatives already underway in most school districts.

We have previously indicated, however, that expanded responsibility must be matched with resources to fulfill the mandate. The majority of boards in the province continue to struggle to meet increasing costs to support existing K-12 programs. While we acknowledge and welcome the investments made this year, we are concerned that if funding mechanisms are not changed to ensure sustained support for the expanded mandate of boards, early learning and community literacy initiatives may be limited, and K-12 programs will be negatively impacted.

We would also like clarification on the community literacy role the Ministry foresees for boards. As you know, there are numerous stakeholder groups involved in community/adult literacy. It is unclear to us at this point whether you envisage boards having a role of direct responsibility over, coordination of, or merely partnering with, other local providers.

Another area of concern relates to the requirement that all early learning programs will now have to be approved by the Minister, and that existing programs will need to be approved within six months. Apart from being an inefficient method of program implementation, this is at odds with the process currently in place for K-12 programs whereby program standards are established by the Ministry for boards to follow. In other words, we seek authority over early learning programs parallel to what boards have with K-12 programs.



Improving student achievement through community engagement

Change of Name to Boards of Education

BCSTA recognizes that the term “Boards of Education” is more consistent with the expanded mandate proposed in Bill 20. We are pleased that the title of “school trustee” has been maintained.

Achievement Contracts

We have concerns about the implementation of the new achievement contracts. While we support in general that targets provide a focus for efforts to achieve improvement, we are concerned that too much emphasis may be placed on the attainment of percentage or numerical targets, with the potential of limiting attention of areas of student achievement that are equally important, but less quantitative in nature.

Since missed targets may be possible grounds for the dismissal of a board, we have particular concerns about how targets would be established, and for the ultimate accuracy of the data used to determine a board’s attainment of the targets. Targets should be established through a collaborative process, using various kinds of qualitative and quantitative information.

Furthermore, while it is true that there has been some plateauing of the percentages of achievement results across the province on the existing large-scale measures, making progress on closing the existing gaps is not as simple as just increasing a target number. The students who currently make up the majority of those not achieving have the greatest challenges to overcome. Many of these students come from community and family situations that negatively impact chances for academic success. Lack of progress for these students is not caused by board complacency, but rather as a result of the significant complexity of meeting the needs of these students. To some degree, this is similar to the class size issue, in that just changing the numbers does not necessarily result in increased achievement.

We would argue that real advances in achievement will be gained by improvements to capacity – such as increased training and resources for classroom teachers, increased specialist staffing to provide direct support for challenged students, and increased opportunities for collaboration among educators to build capacity across the district. While some of these are within the control of boards, their full implementation requires resources beyond what current district budgets often allow.

Superintendents of Achievement

In previous discussions we have called for and endorsed increased support for school districts, particularly in the area of developing leadership skills that will enhance student achievement. The “supportive” role of the Superintendents of Achievement is, therefore, commendable. We strongly encourage the Ministry to place significant emphasis on the positive supportive aspects of the SOA role. We expect that the inspector role of the SOA will be minimal.

We believe that the current staffing complement of SOAs may not be sufficient to adequately fulfill this supportive developmental role. We encourage you to ensure that that this portfolio is adequately resourced.

Parent and Student Appeals

We have very strong concerns regarding the parent and student appeals provisions in this bill. It would appear that this provision means that boards would no longer have final decision-making ability on Section 11 appeals. This opens a door that not only significantly erodes local autonomy, but may also deter decision-making, and potentially invites a flood of appeals that would consume the time and resources of the Superintendents of Achievement.

As locally elected representatives, school trustees are directly accountable to their communities. When difficult decisions are made by district staff or boards – some of which will invariably not be well received by individual students or parents – it is the local board that must be able to adjudicate appeals. The existing provisions of judicial review already provide an adequate safety net to ensure procedural fairness. Adding another layer of appeal takes away from the authority of local boards, and consequently, their credibility as being locally accountable.

We also have strong concerns about the quasi-judicial processes that are envisaged for the adjudications. The ability to summon witnesses and the ability for parties to call and cross-examine witnesses add an unnecessary level of complexity to the current appeal procedures that to our knowledge are not problematic.

This bill raises the possibility that the SOAs will be inundated with requests from parents and students unhappy with a host of decisions, including those on class placement, suspensions, and grade configurations, to name a few. The number of possible appeals has the potential to make the procedure ineffective, and to detract from the main role of the SOA.

A related concern is the potential costs associated with the appeals. These include the costs to boards of implementing resolutions imposed by a non-accountable adjudicator, as well as legal costs to the system in general and boards in particular. Being involved in another layer of reviews would also result in significant time commitments for district staff, reducing attention to instructional leadership.

We recommend that the SOA role be limited in the appeal process to one of providing support to boards on appeals, particularly when a board is considering an appeal of a school superintendent's decision. Such a change would maintain a board's authority, and improve the support role of the SOA.

We strongly urge you to consider amendments to this section of Bill 20 that would either remove or significantly limit the scope of appeals.

Administrative Directives

The provisions for administrative directions also give us very significant concerns. While we assume that the purpose of the administrative directives is to provide the Minister and the SOAs with a mechanism to enforce the achievement contracts, we feel strongly that the provision is too sweeping and represents a violation of the principle of co-governance of the education system, in which each of the co-governors respects the jurisdiction of the other. Boards have a distinctive democratic responsibility, and the imposition of administrative directives changes the fundamental principle of local accountability. Any unpopular decision of a board that is overridden by an administrative direction would destabilize local decision-making and have no direct accountability back to the local community. Furthermore, there could be undue pressure exerted on MLAs and the Minister to intervene on invariably controversial decisions such as school closures.

The Minister already has the authority to intervene in a district if a board is failing to fulfill its responsibilities under the *Act*, and we do not believe that a mechanism of this nature is needed. We strongly urge you to remove the administrative directives provision from Bill 20.

School Fees

BCSTA is very pleased that you have introduced changes that will permit boards to collect fees for musical instruments and apprenticeship tools. This measure will help to preserve important programs. The application of local hardship policies will ensure that all students will continue to have equal access to these learning opportunities.

While we are also pleased that fees can be collected for specialty academies, we are concerned that including a requirement of School Planning Council approval for these fees muddies the water of accountability. SPCs have no direct accountability to the public, and continue to experience challenges in representation and decision-making. It is unclear how SPCs would reach democratically representative and locally accountable decisions in these matters. SPC membership can change significantly from year to year based on the availability and willingness of the representatives. It could also potentially alter the composition and focus of SPCs by encouraging individuals for or against a specialty academy to seek membership, rather than those interested in focusing on the broader improvement goals of the school.

We also have concerns about non-elected individuals making decisions that affect the allocation of public funds, since it is not just additional fees, but also district operating funds, that run specialty academies. This provision could also result in funding instability to specialty academies and jeopardize their ability to attract students.

As well, there are potential complications for specialty academies that are actually district programs but are located in a single school. The ability for a single SPC to not approve funding for a program at a particular school narrows a board's ability to provide specialty academies to students throughout the district.

We urge you to replace the provision for School Planning Council approval of the establishment of specialty academy fees with a provision that provides SPCs with the opportunity for input.

Bill 21

Teacher Employment Registry/Employers List

As BCSTA has long advocated for a teacher employment registry, we are very pleased that it will be implemented under Bill 21. We have one concern about the restrictions on the use of the registry information to the time of hire. We suggest that this be extended so that “employers” as well as “prospective employers” be able to make use of the information contained in the list, e.g., to check if a current employee correctly disclosed previous education system employers, particularly for the year preceding hiring. At the time of hire, the registry may not reflect the preceding year’s employment since districts only report annually. Teachers on call may have a number of employers and come on staff at varying times of year.

Teacher Discipline Notification and Online Registry

BCSTA is also pleased to see the inclusion of the online teacher discipline registry in Bill 21, as it is a step in the right direction of increasing student safety.

Reporting Requirements

BCSTA appreciates the removal of the requirement for the College of Teachers to delay investigations until grievances have been resolved.

As it is also common for school principals to exercise some disciplinary authority over teachers – at least to the level of written reprimand or disciplinary letter – it is not clear from the proposed amendments to the *Act* whether this level of discipline issued by principals falls within the reporting requirements.

Bill 22

Mandatory Code of Conduct

BCSTA is supportive of the need for codes of conduct. Indeed, boards have high expectations for the conduct of not only students, but staff, volunteers, visitors, and themselves. We expect provincial standards not to be too prescriptive. School districts need authority to set policies that reflect local circumstances.

We look forward to the opportunity to consult with you on the development of the provincial standards.

Provincial Funding Announcement Change

We have no concern with the change of date regarding the announcement of the provincial funding envelope, providing the announcement of district funding is not delayed past the current March 15th deadline.

Changes to the Operations to School District Businesses

BCSTA agrees with the intent of the proposed amendments for greater transparency to the operation of school district businesses. We would appreciate further clarification, however, on the rationale for repealing the provision that permitted school district businesses to issue diplomas.

Ministry Reimbursement to Students

We are unclear on the intent and rationale for the provisions that will allow the Minister to designate educational activities for which a student may be reimbursed by the Ministry. We would be concerned if the money for reimbursements decreased school board operating grants. We also see the potential for the erosion and fragmenting of local public school programs if students are reimbursed for attending non-public programs.

Personal Education Numbers

We support the expansion of the use of personal education numbers. This will help to track student success and better inform us on how to better prepare students for post-secondary education.

Conclusion

Pending further analysis and input from member boards, the above comments reflect BCSTA's support for, and concerns with, various aspects of Bills 20, 21, and 22. We would welcome a more in-depth technical briefing from Ministry staff to help clarify some of the issues we have raised. Our staff will make themselves available at your officials' earliest convenience.

Summary of Recommendations

Amendment Recommendations

1. Remove or significantly limit the scope of appeals to Superintendents of Achievement.
2. Remove provisions for administrative directives.
3. Replace the provision for School Planning Council approval for specialty academy fees with a provision that gives them the opportunity for input.
4. Remove the requirement that early learning programs be approved by the Minister.
5. Extend the use of the employment registry information to include employers as well as prospective employers.

Implementation Recommendations

6. Increase funding to boards to ensure that the expanded mandate in early learning and community literacy does not take funds away from K-12 programs.
7. Establish criteria for achievement contracts to ensure that they contain realistic targets that recognize both quantitative and qualitative aspects of achievement.
8. Emphasize the positive, supportive role that Superintendents of Achievement can play to support districts. De-emphasize their inspection/supervisory role.
9. Provide adequate resources to Superintendents of Achievement so that they can fulfill their supportive mandate.
10. Consult with BCSTA on the development of provincial standards to guide local codes of conduct.
11. Ensure that the Minister's ability to reimburse students is restricted so as not to erode local program offerings in public schools.

We look forward to working with you on our common goal to ensure that legislative change optimizes the capacity of both the Ministry and boards to improve student achievement. To that end, we request a meeting with you at your earliest convenience.

Respectfully submitted,



Penny Tees
President

CC: Dr. Emery Dossdall, Deputy Minister of Education